

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2151**

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**Introduced by Assembly Member Torres**

February 18, 2010

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An act to amend ~~Section~~ *Sections 488.5 and 557.5* of the Insurance Code, and to amend Section 16051 of the Vehicle Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as amended, Torres. Insurance: public safety employees: accidents.

*Existing law provides that no insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined, in the performance of his or her duty during the hours of his or her employment.*

*This bill would also provide that no insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating a private vehicle in*

*the performance of his or her duty at the request or direction of the employer.*

Existing law provides that a peace officer, member of the Department of the California Highway Patrol, or firefighter shall not be required to report any accident in which he or she is involved while operating any employer-leased or employer-rented vehicle, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy.

This bill would additionally provide that a peace officer, member of the Department of the California Highway Patrol, or firefighter shall not be required to report, and the employer of the same may not require or request that a peace officer, member of the Department of the California Highway Patrol, or firefighter report, any accident in which he or she is involved while operating ~~his or her~~ a private vehicle at the request or direction of his or her employer in the performance of ~~his or her~~ *the employee's* duty to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy. *The bill would also provide that any private automobile insurance policy or any other private insurance policy covering the employee shall not be required to provide defense or indemnification for an accident involving a peace officer, member of the Department of the California Highway Patrol, or firefighter operating a private vehicle in the performance of his or her duty at the request or direction of his or her employer.* The bill would make conforming changes relating to proof of financial responsibility, in the event of an accident involving a vehicle operated on behalf of a public agency.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 488.5 of the Insurance Code is amended*  
2     *to read:*

3     488.5. (a) No insurer shall, in issuing or renewing a private  
4     automobile insurance policy to a peace officer, member of the  
5     California Highway Patrol, or firefighter, with respect to his or  
6     her operation of a private motor vehicle, increase the premium on

1 that policy for the reason that the insured or applicant for insurance  
2 has been involved in an accident while operating an authorized  
3 emergency vehicle, as defined in subdivision (a) or (f) of Section  
4 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision  
5 (b) of Section 165 of the Vehicle Code, in the performance of his  
6 or her duty during the hours of his or her employment, *or was*  
7 *involved in an accident while operating a private vehicle in the*  
8 *performance of his or her duty at the request or direction of the*  
9 *employer.*

10 (b) No insurer shall, in issuing or renewing a private automobile  
11 insurance policy to a federal officer or federal customs agent, with  
12 respect to his or her operation of a private motor vehicle, increase  
13 the premium on that policy for the reason that the insured or  
14 applicant for insurance has been involved in an accident while  
15 operating an official government vehicle in the performance of his  
16 or her duty during the hours of his or her employment.

17 (c) As used in this section:

18 (1) "Peace officer" means every person defined in Chapter 4.5  
19 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
20 Code.

21 (2) "Policy" shall have the same meaning as defined in  
22 subdivision (a) of Section 660.

23 **SECTION 1.**

24 **SEC. 2.** Section 557.5 of the Insurance Code is amended to  
25 read:

26 557.5. (a) A peace officer, member of the Department of the  
27 California Highway Patrol, or firefighter shall not be required to  
28 report, nor shall any employer of the same be authorized to request  
29 or require that a peace officer, member of the Department of the  
30 California Highway Patrol, or firefighter report, any accident in  
31 which he or she is involved while operating an authorized  
32 emergency vehicle, as defined in subdivision (a), (b), or (f) of  
33 Section 165 of the Vehicle Code, any employer-leased or  
34 employer-rented vehicle, or any private vehicle ~~of the employee~~  
35 if operated at the request or direction of the employer in the  
36 performance of ~~his or her~~ *the employee's* duty to any person who  
37 has issued that peace officer, member of the Department of the  
38 California Highway Patrol, or firefighter a private automobile  
39 insurance policy. Peace officers, members of the Department of  
40 the California Highway Patrol, and firefighters shall be indemnified

1 ~~for losses by the employer for all losses of the employee or a third~~  
2 ~~party from an accident described in this section pursuant to Section~~  
3 ~~825 of the Government Code. Any private automobile insurance~~  
4 ~~policy or any other private insurance policy covering the employee~~  
5 ~~shall not be required to provide defense or indemnification when~~  
6 ~~the employee is using any private vehicle as described in this~~  
7 ~~section.~~

8 (b) As used in this section:

9 (1) "Peace officer" means every person defined in Chapter 4.5  
10 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
11 Code.

12 (2) "Policy" shall have the same meaning as defined in  
13 subdivision (a) of Section 660.

14 ~~SEC. 2.~~

15 *SEC. 3.* Section 16051 of the Vehicle Code is amended to read:

16 16051. (a) Evidence may be established by filing a report  
17 indicating that the motor vehicle involved in the accident was  
18 owned, rented, or leased by or under the direction of the United  
19 States, this state, or any political subdivision of this state or  
20 municipality thereof.

21 (b) Evidence may be established by filing a report indicating  
22 that the motor vehicle involved in the accident was owned and  
23 operated by a peace officer, member of the Department of the  
24 California Highway Patrol, or firefighter in the performance of his  
25 or her duty, and at the request of or under the direction of the  
26 United States, this state, or any political subdivision or municipality  
27 of this state.